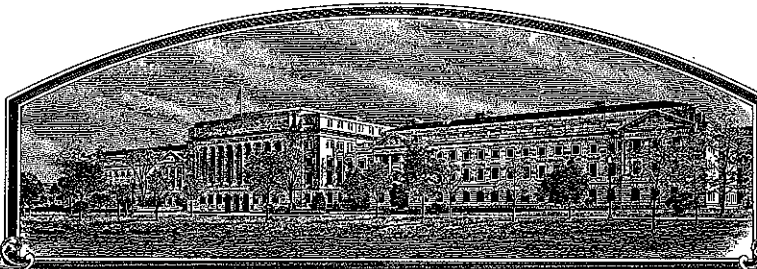


No.

200500197



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Syngenta Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture


AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS: FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMERICAL GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

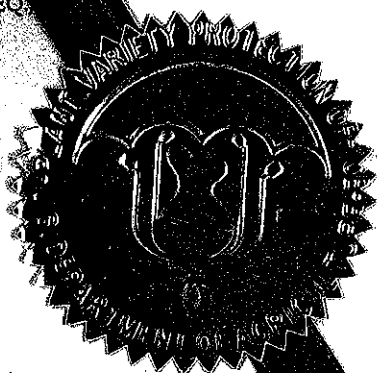
WHEAT, COMMON

'Myers'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifth day of July, in the year two thousand and six.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

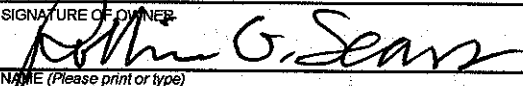

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER AgriPro Wheat, a business unit of Advanta U.S.A., Inc. AgriPro Syngenta Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER 97S2085-08		3. VARIETY NAME Myers	
4. ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 6515 Ascher Road Junction City, Kansas 66441		5. TELEPHONE (include area code) 785-210-0218		FOR OFFICIAL USE ONLY PVPO NUMBER 200500197 FILING DATE April 5, 2005	
		6. FAX (include area code) 785-210-0231			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware		9. DATE OF INCORPORATION '1985	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Dr. Rollin Sears 6515 Ascher Road Junction City, Kansas 66441 Copy to: Chris Bruns PO Box 30 Berthoud, CO 80513 rbruns@fritl.com					
11. TELEPHONE (include area code) 785-210-0218		12. FAX (include area code) 785-210-0231		13. E-MAIL rollin.sears@agripro.com	
14. CROP KIND (Common Name) Hard Red Spring Wheat		16. FAMILY NAME (Botanical) Gramineae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Triticum aestivum		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)					
20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23)					
21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED					
22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)					
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)					
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)					
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER		
NAME (Please print or type) Dr. Rollin Sears			NAME (Please print or type)		
CAPACITY OR TITLE R&D Manager		DATE		CAPACITY OR TITLE	
				DATE	

(See reverse for instructions and information collection burden statement)

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to **reproduce** the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
(1) identify these varieties and state all differences objectively;
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (*See Regulations and Rules of Practice, Section 97.103*).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

The variety 'Myers' will be constituted from Breeders seed, and proceed through Foundation, Registered and Certified in succeeding generations. Generations which may be multiplied will be limited to Breeders seed, Foundation, Registered and Certified.

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Certified seed stocks of Myers will be available in the spring of 2005.

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (*See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.*)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Exhibit A.
Origin and Breeding History of Myers

Myers originated from the cross "N96-2456/BW230" which was made in Berthoud, CO. during the fall crossing session of 1996. Both parents were experimental hard red spring wheats from AgriPro's Canadian breeding program. The pedigree of N96-2456 was "Sinton/Stoa//Grandin" and the pedigree of BW230 was "Sharp/AC Minto". Single heads were selected from the F2 population of this cross at Rosebank, Manitoba during the 1997 season. Selections were based on height and leaf rust resistance. Single seed descent was used to advance these selections through the F3 and F4 generations in the Berthoud greenhouse during the fall and winter of 1997-98. F5 headrows of these selections were planted at Rosebank, MB in 1998 where they were further screened for height, straw strength, maturity, foliar diseases, leaf rust and stem rust. Selected F5 headrows were individually bulk harvested. F6 increase plots were grown at Berthoud and observation plots were grown at Rosebank, MB, and Park River, ND. and Crookston, MN. in 1999. These lines were further screened on the previously mentioned traits as well as uniformity. The experimental designation of 97S2085-08 was assigned to one of these lines for yield evaluation in Colorado during the 2000 season. An F5 derived plot was grown in Colorado and rogued heavily as a pre-Breeder seed increase. Further testing was carried out in Colorado nurseries during the 2001 through 2004 season.

In 2002 a 1.8 acre initial Breeder seed increase was grown in Loveland, Colorado that produced 5,305 pounds of seed. In 2003, a 0.2 acre Breeder seed increase was grown in Delfield, North Dakota. In 2004 a 23 acre Breeder seed increase was grown in Eaton, Colorado that produced 44,400 pounds of Foundation seed.

Myers has been uniform and stable since 2003. Less than 0.8% of the total plants were rogued from either the initial Breeder seed increase in 2003 or the Breeder seed field in 2004. Approximately 75% the variant plants were taller height wheat plants (1 to 3 cm's taller), 5% were lighter green color at boot stage, 5% were a darker green color at boot stage and approximately 10% the variant plants were awnless, shorter height wheat plants. Up to 1.0% variant plants may be encountered in subsequent generations.

Exhibit B.

Statement of Distinctness

Myers is most similar to the hard red spring wheat 'Gunner'. However, it can be easily distinguished by the following morphological characteristics:

- Myers has a blue-green plant color at boot stage (R.H.S. Chart color number #122B; Berthoud, CO 2002, and Lucerne, CO 2003, 2004). Gunner has a green plant color at boot stage (R.H.S. Chart color number #137B; Berthoud, CO 2002 and Lucerne, CO 2003, 2004).
- Myers has a midwide glume width at maturity (Berthoud, CO 2002, and Lucerne, CO 2003, 2004). Gunner has a narrow glume width at maturity (Berthoud, CO 2002, and Lucerne, CO 2003, 2004).
- Myers has a midlong glume length at maturity (Berthoud, CO 2002, and Lucerne, CO 2003, 2004). Gunner has a short glume length at maturity (Berthoud, CO 2002, and Lucerne, CO 2003, 2004).

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved OMB NO 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE DIVISION
BELTSVILLE, MARYLAND 20705

EXHIBIT C

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*Triticum* Spp.)

NAME OF APPLICANT(S) AgriPro Wheat, a business unit of Advanta U.S.A., Inc.	TEMPORARY OR EXPERIMENTAL DESIGNATION 97S2085-08	VARIETY NAME Myers
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 6515 Ascher Road Junction City, Kansas 66441		PVPO NUMBER 200500197

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g. 0 9 9 or 0 9) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____ Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1

- 1=Common
2=Durum
3=Club
4=Other (specify) _____

2. VERNALIZATION:

1

- 1=Spring
2=Winter
3=Other (specify) _____

3. COLEOPTILE ANTHOCYANIN:

1

- 1=Absent 2=Present

4. JUVENILE PLANT GROWTH:

3

- 1=Prostrate 2=Semi-erect 3=Erect

5. PLANT COLOR (boot stage):

3

- 1 = Yellow-Green
2 = Green
3 = Blue-Green

6. FLAG LEAF (boot stage):

1

- 1 = Erect 2 = Recurved

2

- 1 = Not Twisted 2 = Twisted

2

- 1 = Wax Absent 2 = Wax Present

7. EAR EMERGENCE:

0 6 0

Number of Days (Average)

0 5

Number of Days Earlier Than * Gunner

Number of Days Later Than *

*Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

8. ANTHOR COLOR:

1

- 1 = YELLOW 2 = PURPLE

5

9. PLANT HEIGHT: (from soil to top of head, excluding awns):

200500197

0	8	5
---	---	---

cm (Average)

cm Taller Than

*

--	--

Same As

*Gunner

--	--

cm Shorter Than

*

10. STEM:

A. ANTHOCYANIN

1

1 = Absent 2 = Present

B. WAXY BLOOM

2

1 = Absent 2 = Present

C. HAIRINESS (last internode of rachis)

2

1 = Absent 2 = Present

D. INTERNODE

1

1 = Hollow 2 = Semi-solid 3 = Solid

5

Number of Nodes

E. PEDUNCLE

2

1 = Erect 2 = Recurved 3 = Semi-erect

2	5
---	---

cm Length

F. AURICLE

2

Anthocyanin 1 = Absent 2 = Present

2

Hair: 1 = Absent 2 = Present

11. HEAD: (At Maturity)

A. DENSITY

2

1 = Lax
2 = Middense (Laxidense)
3 = Dense

B. SHAPE

1

1 = Tapering
2 = Clavate
3 = Strap
4 = Other (specify) _____

C. CURVATURE

2

1 = Erect
2 = Inclined
3 = Recurved

D. AWNEDNESS

4

1 = Awnless
2 = Apically awnletted
3 = Awnletted
4 = Awned

12. GLUMES: (At Maturity)

A. COLOR

1

1 = White
2 = Tan
3 = Other (specify) _____

B. SHOULDER

3

1 = Wanting 2 = Oblique
3 = Rounded 4 = Square
5 = Elevated 6 = Apiculate
7 = Other (Specify) _____

E. BEAK WIDTH

2

1 = Narrow
2 = Medium
3 = Wide

F. GLUME LENGTH

2

1 = Short (ca. 7mm)
2 = Medium (ca. 8mm)
3 = Long (ca. 9mm)

C. SHOULDER WIDTH

2

1 = Narrow
2 = Medium
3 = Wide

G. WIDTH

2

1 = Narrow (ca. 3mm)
2 = Medium (ca. 3.5mm)
3 = Long (ca. 4mm)

D. BEAK

3

1 = Obtuse
2 = Acute
3 = Acuminate

6

13. SEED:

A. SHAPE

1

- 1 = Ovate
2 = Oval
3 = Elliptical

E. COLOR

3

- 1 = White
2 = Amber
3 = Red
4 = Other (Specify) _____

200500197

B. CHEEK

1

- 1 = Round
2 = Angular

F. TEXTURE

1

- 1 = Hard
2 = Soft
3 = Other (Specify) _____

C. BRUSH

2

- 1 = Short
2 = Medium
3 = Long

1

- 1 = Not Collared
2 = Collared

0

- 1 = Ivory
2 = Fawn
3 = Light Brown
4 = Dark Brown
5 = Black

D. CREASE

1

- 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel

H. SEED WEIGHT

g/1000 Seed (Whole number only)

I. GERM SIZE

1

- 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

2

- 1 = Small
2 = Midsize
3 = Large

14. DISEASE:

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

(0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

2

Stem Rust (*Puccinia graminis* f. sp. *tritici*)

3

Leaf Rust (*Puccinia recondita* f. sp. *tritici*)

0

Stripe Rust (*Puccinia striiformis*)

0

Loose Smut (*Ustilago tritici*)

0

Tan Spot (*Pyrenophora tritici-repentis*)

0

Flag Smut (*Urocystis agropyri*)

0

Halo Spot (*Selenophoma donacis*)

0

Common Bunt (*Tilletia tritici* or *T. laevis*)

0

Septoria nodorum (Glume Blotch)

0

Dwarf Bunt (*Tilletia controversa*)

0

Septoria avenae (Speckled Leaf Disease)

0

Karnal Bunt (*Tilletia indica*)

0

Septoria tritici (Speckled Leaf Blotch)

0

Powdery Mildew (*Erysiphe graminis* f. sp. *tritici*)

0

Scab (*Fusarium* spp.)

0

Snow Molds

0

Black Point (Kernel Smudge)

0

Common Root Rot (*Fusarium*, *Cochliobolus* and *Bipolaris* spp.)

0

Barley Yellow Dwarf Virus (BYDV)

0

Rhizoctonia Root Rot (*Rhizoctonia solani*)

0

Soilborne Mosaic Virus (SBMV)

0

Black Chaff (*Xanthomonas campestris* pv. *translucens*)

0

Wheat Yellow (Spindle Streak) Mosaic Virus

0

Bacterial Leaf Blight (*Pseudomonas syringae* pv. *syringae*)

Other (specify) _____

Other (specify) _____

Other (specify) _____

Other (specify) _____

Other (specify) _____

Other (specify) _____

15. INSECT:

(0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

0

Hessian Fly (*Mayetiola destructor*)

Other (specify) _____

0

Stem Sawfly (*Cephus* spp.)

Other (specify) _____

0

Cereal Leaf Beetle (*Oulema melanopa*)

Other (specify) _____

15. INSECT: (continued) (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

200500197

☐ 0Russian Aphid (*Diuraphis noxia*)☐

Other (specify)

☐ 0Greenbug (*Schizaphis graminum*)☐

Other (specify)

☐ 0

Aphids

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

None

Exhibit D.
Additional Description of Myers

Myers is a hard red spring wheat bred and developed by AgriPro Wheat. Myers is a short conventional height wheat with medium early maturity and very high test weight patterns.

Juvenile growth habit is erect. Plant color at boot stage is blue green. Auricle anthocyanin and auricle hairs are present. Flag leaf at boot stage is erect and twisted. Anther color is yellow at anthesis. Waxy bloom is present on the head, stem and flag leaf sheath. Anther color is yellow. Head shape is tapering and awned. Glumes are glabrous, midlong in length and midwide in width, with rounded shoulders and intermediate length acuminate beaks. Seed shape is ovate. Brush hairs are medium in length and occupy a large area of the seed. Seed crease depth is shallow and width is narrow. Embryos are midsized. Seed cheeks are rounded.

Myers is adapted to the Front Range of Colorado under irrigated conditions.

200500197

AgriPro

Myers 2002 Commerical Spring Wheat Mill Test

TestName	2003-11962
MOISTURE MOTOMCO	9.4
WHT MOIST TGA	9.02
WHT ASH TGA 12%MB	1.815
WHEAT FALLING NUMBER	470
TEST WEIGHT	63.7
SHRUNKEN & BROKEN	0.0
THOU KERNEL WEIGHT	36.3
KERNEL DIAMETER	2.61
HARDNESS	73
DOCKAGE	0.1
WHEAT MIXO PEAK	2.2
WHEAT MIXO TOLERANCE	5.50
MILLING EXTRACTION	74.6
MOISTURE TGA	14.13
ASH TGA 14%MB	0.495
PROTEIN (14% MB)	14.18
FARINO ABSORPT 14%MB	65.0
ARRIVAL TIME	4.0
PEAK TIME	6.5
DEPARTURE TIME	12.5
STABILITY	8.5
MTI	35

SPONGE/DOUGH BAKE	Y
BAKE DATE	5/12/2003
DOUGH FARINOGRAPH	Yes
PROOF TIME	51
BAKE ABSORPTION	65.0
MIX TIME	30.0
VOLUME	2700
VOLUME COMMENTS	ACCEPTABLE
DOUGH HAND SPNG PT	5
DOUGH HAND SPNG CMT	SL DRY/BOLD+
DOUGH HAND MIX PT	14
DOUGH HAND MIX CMT	SL STR
DOUGH HAND CUT PT	15
DOUGH HAND CUT CMT	SL DRY/GOOD+
DOUGH HAND TOT SCORE	34
EXTERNAL TOTAL	9
EXTERNAL COMMENTS	SL UNEV
INTERN COLOR PT	9
INTERN COLOR CMT	GOOD
INTERN GRAIN PT	13
INTERN GRAIN CMT	GOOD
INTERN BODY PT	7
INTERN BODY CMT	SL WK
INTERN TEXTURE PT	9
INTERN TEXTURE CMT	GOOD
INTERN TOTAL SCORE	38 - Very Good
SPNG_DOU TOTAL SCORE	81 - Very Good

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) <i>Syngenta Seeds, Inc.</i> <i>AgriPro Wheat, a business unit of Advanta U.S.A., Inc.</i>	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER 97S2085-08	3. VARIETY NAME Myers
4. ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 6515 Ascher Road Junction City, Kansas 66441	5. TELEPHONE (include area code) 785-210-0218	6. FAX (include area code) 785-210-0231
	7. PVPO NUMBER	200500197

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Please see following page.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provide and employer.

Exhibit E.
Statement of the Basis of Applicant's Ownership

The variety for which Plant Variety Protection is hereby sought was developed by Joe Smith, an employee of AgriPro Wheat, a business unit of Advanta U.S.A., Inc. developed the variety for which Plant Variety Protection is hereby sought. By agreement between employees and AgriPro Wheat all rights to any invention, discovery, or development made by the employee while employed by AgriPro Wheat, were assigned to AgriPro Wheat, with no rights of any kind pertaining to 'Myers' being retained by the employees.

The variety 'Myers' is owned by AgriPro Wheat, a business unit of Advanta USA., Inc.

Burden and Nondiscrimination Statements

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average .0200 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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USDA, Agricultural Marketing Service
Science and Technology Programs
PLANT VARIETY PROTECTION OFFICE

10301 Baltimore Avenue, Room 401 NAL Building
Beltsville, Maryland, USA 20705
Office: (301) 504-5518 Fax: (301) 504-5291

RECORDATION FORM

To the Commissioner of Plant Variety Protection: Please record the attached original documents or copy thereof.

1. Current Owner(s) of Record

Name Advanta USA, Inc. , and United Grain Growers Limited
and Agripro Seeds, Inc. , and UGG and Agripro Wheat a business
unit of Advanta USA, Inc. , and Agripro Wheat a business unit of
Advanta USA, Inc.

Address: 806 North 2nd, P.O. Box 30

Berthoud, Colorado 80513-0030

Phone 970-532-3721 FAX 970-532-2035

E-mail Rob.Bruns@Syngetna.com

2. Type of Recordation

- ☒ Assignment
☐ Security Interest, License, Grant, Conveyance
☐ Merger
☒ Change of Name of Owner(s)
☐ Revocation of Assignment, Security Interest, License, Grant, or Conveyance
☐ Change of Address of Owner(s)
☐ Change of Representative (and address)
☐ Change of Address of Representative
☐ Change of Variety Name (Denomination)
☐ Election of "Certified Seed Only" Option
☐ Other (specify) _____

Date Change went into Effect January 1, 2006

3. New Owner(s)

Name Syngenta Seeds, Inc.

Address: 806 North 2nd, P.O. Box 30

Berthoud, Colorado 80513-0030

Phone 970-532-3721 FAX 970-532-2035

E-mail Rob.Bruns@Syngetna.com

4. New Representative

Name Rob Bruns
Syngenta Seeds, Inc.

Address: 806 North 2nd, P.O. Box 30

Berthoud, Colorado 80513-0030

Phone 970-532-3721 FAX 970-532-2035

E-mail Rob.Bruns@Syngetna.com

7. List PVP Number(s), Crop Kind(s), Variety Name(s). Attach list if more space is needed.

[Please note that listed applications and certificates must be active. Recordations cannot be performed on inactive cases.]

9 Common Wheat Varieties – see attached list

8. Total number of applications/certificates involved: 9 **Total Fee (97.175)**\$ 369.00

Fees must be paid in U.S. funds. Make checks payable to "Treasurer of the United States." Contact the PVP office for credit card payments.

9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Rob Bruns -- Head NAFTA Cereals
Name of Person Signing

Signature

May 1, 2006
Date